

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15431 of Monterey Park Associates Limited Partnership, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area requirements (Sub-section 401.3) for forty-two lots, a variance from the floor area ratio limitation (Sub-section 402.4) for three lots, and a variance from the rear yard requirements (Sub-section 404.1) for one lot, for a proposed subdivision and construction of sixty-four detached single-family dwellings in an R-5-A District at premises 3400-30 Oxon Run Road; 3403-09 Oxon Run Road; 3400-08 Cornwell Drive; 3403-17 Cornwell Drive; 3400-20 - 7th Street and 3401-39 - 7th Street, S.E., (Square 5957, Lots per subdivision).

HEARING DATE: December 19, 1990
DECISION DATE: December 19, 1990 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 8C and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 8C. ANC 8C, which is automatically a party to the application, submitted no written issues and concerns relative to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 401.3 and 404.1. No person or entity appeared at public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.


Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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VOTE: 5-0 (Paula L. Jewell, Sheri M. Pruitt, Tersh Boasberg,
Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

JAN 15 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15431order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15431

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 17 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Philip L. Johnson, General Partnership
Monterey Park Associates Limited Partnership
3304 Banneker Drive, N.E.
Washington, D.C. 20018

Willie Lockridge, Chairperson
Advisory Neighborhood Commission 8C
3125 Martin Luther King Avenue, S.E.
Washington, D.C. 20032

A handwritten signature in dark ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: 1991

ATTES.2